REMARKS/ARGUMENTS

In the Restriction Requirement mailed June 27, 2006, the Examiner required restriction to one of five groups under 35 U.S.C. § 121.

Group I: Claims 1, 6-18, 29 and 30, drawn to a reagent and cells producing said reagent, pharmaceutical composition and kits comprising said reagent, wherein the reagent is antibody or antibody fragments, which enter into interactions with two separated position on CD30, classified in class 530, subclass 387.1

Group II: Claims 1, 9-16, 29 and 30, drawn to a reagent and cells producing said reagent, pharmaceutical composition and kits comprising said reagent, wherein the reagent is scT- Cell receptor fragments, hybrid ScFv/scTCR fragments, which enter into interactions with two separated position on CD30, classified in class 536, subclass 350

Group III: Claims 19 and 20, drawn to a method for diagnosis of a disease comprising contacting a sample from patient to the reagent of Group I, classified in class 424, subclass 184.1

Group IV: Claims 21-27, drawn to a method for treating a patient having a tumor or inflammatory diseases comprising administering the reagent of Group I, classified in class 424, subclasses 184.1 and 130.1

Group V: Claim 28, drawn to a method of making the composition for the suppression or avoidance of rejection reaction and/or graft-versus-host reaction in the transplantation of organs, bone marrow, or stem cells, unclassified

The Examiner has further required election of a single disclosed species under 35 U.S.C. § 121. Briefly, the Examiner has identified the following distinct species, with Species A relating to Groups I-V, and Species B relating to Groups III and IV.

Species A:
1) toxin
2) enzyme
3) radioactive isotopes
4) photoactivatable compounds

Species B:
1) tumor
2) inflammatory
3) inflammatory allergic
4) autoimmune diseases.

Applicants thank the Examiner for providing clarification regarding the restriction requirement by way of a telephonic discussion. Pursuant to Applicants' understanding following the Examiner's clarification, Applicants elect, with traverse, the invention of Group I, claims 1, 6-18, 29 and 30, drawn to a reagent and cells producing said reagent, pharmaceutical composition and kits comprising said reagent, wherein the reagent is antibody or antibody fragments, which enter into interactions with two separated position on CD30. Further, Applicants elect the species of Group A, species 2, enzyme, reserving the right to consideration of claims to additional species upon the finding of an allowable generic claim.

With regard to species A-2, claims 1, 6, 7, 15-18, 29 and 30 are generic, and claims 9 and 11 are directed, at least in part, to reagents including an enzyme. Claims 8-10 and 12-14 are directed, at least in part, to non-elected species.

As such, it is Applicants' understanding that claims 1, 6, 7, 9, 11, 15-18, 29 and 30 are either generic or read at least in part on the elected species of A-2. Accordingly, claims 1, 6, 7, 15-18, 29 and 30 are under consideration as generic, and claims 9 and 11 are under consideration to the extent each is directed to enzyme species. However, claims 8-10 and 12-14 are withdrawn from consideration to the extent that they read on the non-elected species pending allowance of a generic claim, and claims 19-28 are withdrawn from consideration as directed to non-elected invention, pending rejoinder following allowance of a linking product claim.

In any event, Applicants submit that the complete examination of the application would be handled most expeditiously by treating all of the pending claims as a single entity, as the claimed methods of treatment involve use of the claimed reagents. Further, within the reagents, all reagents share the common features of entering into interaction with at least two spatially separated positions on CD30, wherein the positions each comprise an epitope with a specified core sequence. Given this structural similarity, it is submitted that a common search would be employed between the two reagent groups. As the Manual of Patent Examining Procedure (M.P.E.P.) § 803 directs, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted.

Based on the foregoing, Applicants respectfully submit that the restriction requirement is improper and request withdrawal. Nonetheless, should the Examiner maintain the restriction, Applicants, as noted above, elect the invention of Group I (claims 1, 6-18, 29 and 30) and Species A-2, with traverse.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass

this application to issue. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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